

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

DONALD REYNOLDS,

Petitioner,

v.

CIVIL ACTION NO. 5:20-cv-00070

DAVID L. YOUNG, Warden,
FCI Beckley,

Respondent.

ORDER

Pending is Petitioner Donald Reynolds' Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [Doc. 1], filed January 29, 2020. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R on February 1, 2023. Magistrate Judge Tinsley recommended that the Court grant Mr. Reynolds' Section 2241 Petition and transfer this matter to the United States District Court for the Southern District of Georgia for further proceedings.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-*

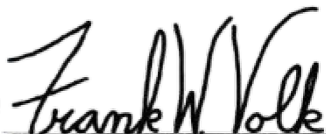
Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on February 21, 2023. No objections were filed.¹

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 15**], **GRANTS** Mr. Reynolds’ Section 2241 Petition [**Doc. 1**], and **TRANSFERS** this matter to the United States District Court for the Southern District of Georgia for further proceedings.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: March 1, 2023




Frank W. Volk
United States District Judge

¹ On February 13, 2023, Mr. Reynolds filed a Concurrence with Magistrate Judge’s Proposed Finding and Recommendation [Doc. 16], wherein he expressed agreement with the findings contained therein.